

# REGISTER



## *South Dakota Legislative Research Council*

*Volume 38*

*Monday, 8:00 a.m., December 12, 2011*

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**NOTICES OF PROPOSED RULES:** The date in parentheses is the date the rules were filed in the Legislative Research Council.)

***Department of Transportation:*** (December 5, 2011) is proposing to amend a speed limit on two segments of SD Highway 42 in Minnehaha County from 65 miles per hour to 55 miles per hour. The general authority for this rule, as cited by the department, is SDCL 32-25-7.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on January 26, 2012, at 9:05 a.m. CST. Copies of the proposed rule may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by January 25, 2012, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

### **NOTICES:**

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning inpatient and outpatient hospital services and long-term care facilities effective July 1, 2012. The proposed changes are to amend Attachments 4.19-A, 4.19-B, and 4.19-D of the State Plan to add language prohibiting Medicaid payment for health care acquired conditions. The changes are required by Section 2702 of the Patient Protection and

Affordable Care Act of 2010, Sections 1902(a)(4), (a)(6), (a)(13) and (a)(30), 1903(a), and 1923 of the Social Security Act, and regulations at 42 CFR 447 Subpart C. The department has not yet determined the Federal fiscal impact associated with this amendment. Copies of the plan revisions regarding non-payment for health care acquired conditions are available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to the Division Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning coverage and separate payment for freestanding birth center facility services and services rendered by certain professionals providing services in freestanding birth center facilities effective January 1, 2012. The proposed changes are to add page 11 to Attachment 3.1-A, page 44 to the Supplement to Attachment 3.1-A, and page 39 to Attachment 4.19-B of the State Plan demonstrating compliance with the provisions of Section 2301 of the Patient Protection and Affordable Care Act of 2010. The department estimates there will be no Federal fiscal effect associated with this amendment. Copies of the proposed State Plan Amendment #11-11 are available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to the Division Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning provider enrollment processes and requirements effective January 1, 2012. The proposed changes are to add State Plan pages 79ae and 79ad specifying assurances the Department of Social Services is providing to the Centers for Medicare and Medicaid Services pertaining to provider enrollments. The assurances are a requirement of the Patient Protection and Affordable Care Act of 2010. The department estimates a nominal, if any, Federal fiscal impact associated with this amendment. Copies of the proposed State Plan Amendment #11-10 are available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to the Division Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning payment methodology for inpatient hospital services effective October 1, 2011. The proposed changes amend pages 1, 2, 3, and 5 of Attachment 4.19-A of the State Plan to reflect the update to the new Diagnosis Related Groups (DRGs) Grouper 29, make a technical correction to State Plan language pertaining to State Fiscal Year 2012, and add a reference to the State's website where the annually updated cost outliers high cost claims will be published. The department estimates there will be no Federal fiscal effect associated with this amendment. Copies of the proposed State Plan Amendment #11-12 are available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments,

may be sent to the Division Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning payment methodology for outpatient hospital services effective December 19, 2011. The proposed change amends page 1b of Attachment 4.19-B of the State Plan to reflect a technical correction to State Plan language pertaining to State Fiscal Year 2012 dealing with classifications of outpatient hospitals. The department estimates there will be no Federal fiscal effect associated with this amendment. Copies of the proposed State Plan Amendment #11-13 are available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to the Division Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

#### **FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)**

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

#### **REMINDER OF HEARINGS SCHEDULED**

1-25-2012	Transportation	Amend a speed limit on two segments of SD Highway 42 in Minnehaha County from 65 miles per hour to 55 miles per hour;
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### RULES REVIEW COMMITTEE MEETINGS

The last regular meeting of the Interim Rules Review Committee will be held Tuesday, December 20, 2011, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Aberdeen – NSU, 1200 S. Jay Street, Room Lib117; Huron – Department of Human Services, 2361 Dakota Ave. S; Mitchell – MTI, 1800 E. Spruce, Room TC155; Rapid City – SDSM&T, 501 E. St. Joseph St., Room CB109; Sioux Falls – SFUC, 4801 N. Career Ave., Room FADM 145; and Yankton – DOT, 1306 W. 31<sup>st</sup> St.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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